

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. KING of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 9, as follows:

[Roll No. 127]

## AYES—421

Abercrombie	Costello	Hastings (WA)
Ackerman	Cramer	Hayes
Aderholt	Crenshaw	Hayworth
Akin	Crowley	Hefley
Alexander	Cubin	Hensarling
Allen	Cuellar	Herger
Baca	Culberson	Herseth
Bachus	Cummings	Higgins
Baird	Davis (AL)	Hinchee
Baker	Davis (CA)	Hinojosa
Baldwin	Davis (FL)	Hobson
Barrett (SC)	Davis (IL)	Hoekstra
Barrow	Davis (KY)	Holden
Bartlett (MD)	Davis (TN)	Holt
Barton (TX)	Davis, Jo Ann	Honda
Bass	Davis, Tom	Hooley
Bean	Deal (GA)	Hosetstler
Beauprez	DeFazio	Hoyer
Becerra	DeGette	Hulshof
Berkley	Delahunt	Hunter
Berman	DeLauro	Hyde
Berry	DeLay	Inglis (SC)
Biggert	Dent	Inslee
Bilirakis	Diaz-Balart, L.	Israel
Bishop (GA)	Diaz-Balart, M.	Issa
Bishop (NY)	Dicks	Istook
Bishop (UT)	Dingell	Jackson (IL)
Blackburn	Doggett	Jackson-Lee
Blumenauer	Doolittle	(TX)
Blunt	Doyle	Jefferson
Boehlert	Drake	Jenkins
Boehner	Dreier	Jindal
Bonilla	Duncan	Johnson (CT)
Bonner	Edwards	Johnson (IL)
Bono	Ehlers	Johnson, E. B.
Boozman	Emanuel	Johnson, Sam
Boren	Emerson	Jones (NC)
Boswell	Engel	Jones (OH)
Boucher	English (PA)	Kanjorski
Boustany	Eshoo	Kaptur
Boyd	Etheridge	Keller
Bradley (NH)	Everett	Kelly
Brady (PA)	Farr	Kennedy (MN)
Brady (TX)	Fattah	Kennedy (RI)
Brown (OH)	Feeney	Kildee
Brown (SC)	Ferguson	Kilpatrick (MI)
Brown, Corrine	Filner	Kind
Brown-Waite,	Fitzpatrick (PA)	King (IA)
Ginny	Foley	King (NY)
Burgess	Forbes	Kingston
Burton (IN)	Ford	Kirk
Butterfield	Fortenberry	Kline
Buyer	Fossella	Knollenberg
Calvert	Fox	Kolbe
Camp (MI)	Franks (AZ)	Kucinich
Campbell (CA)	Frelinghuysen	Kuhl (NY)
Cannon	Galleghy	LaHood
Cantor	Garrett (NJ)	Langevin
Capito	Gerlach	Lantos
Capps	Gibbons	Larsen (WA)
Capuano	Gilchrest	Larson (CT)
Cardin	Gillmor	Latham
Cardoza	Gingrey	LaTourette
Carahan	Gohmert	Leach
Carson	Gonzalez	Lee
Carter	Goode	Levin
Case	Goodlatte	Lewis (CA)
Castle	Gordon	Lewis (KY)
Chabot	Granger	Linder
Chandler	Graves	Lipinski
Chocola	Green (WI)	LoBiondo
Clay	Green, Al	Lofgren, Zoe
Cleaver	Green, Gene	Lowe
Clyburn	Grijalva	Lucas
Coble	Gutierrez	Lungren, Daniel
Cole (OK)	Hall	E.
Conaway	Harman	Lynch
Conyers	Harris	Mack
Cooper	Hart	Maloney
Costa	Hastings (FL)	Manzullo

Marchant	Peterson (PA)	Skelton
Marshall	Petri	Smith (NJ)
Matheson	Pickering	Smith (TX)
Matsui	Pitts	Smith (WA)
McCarthy	Platts	Snyder
McCaul (TX)	Poe	Sodrel
McCollum (MN)	Pombo	Solis
McCotter	Pomeroy	Souder
McCrery	Porter	Spratt
McDermott	Price (GA)	Stark
McGovern	Price (NC)	Stearns
McHenry	Pryce (OH)	Strickland
McHugh	Putnam	Stupak
McIntyre	Radanovich	Sullivan
McKeon	Rahall	Sweeney
McKinney	Ramstad	Tancredo
McMorris	Rangel	Tanner
McNulty	Regula	Tauscher
Meehan	Rehberg	Taylor (MS)
Meek (FL)	Reichert	Taylor (NC)
Meeks (NY)	Renzi	Terry
Melancon	Reyes	Thomas
Mica	Reynolds	Thompson (CA)
Michaud	Rogers (AL)	Thompson (MS)
Millender	Rogers (KY)	Thornberry
McDonald	Rogers (MI)	Tiahrt
Miller (FL)	Rohrabacher	Tiberi
Miller (MI)	Ros-Lehtinen	Tierney
Miller (NC)	Ross	Towns
Miller, Gary	Rothman	Turner
Mollohan	Roybal-Allard	Udall (CO)
Moore (KS)	Royce	Udall (NM)
Moore (WI)	Ruppersberger	Upton
Moran (KS)	Rush	Van Hollen
Moran (VA)	Ryan (OH)	Velázquez
Murphy	Ryan (WI)	Visclosky
Murtha	Ryun (KS)	Walden (OR)
Musgrave	Sabo	Walsh
Myrick	Salazar	Wamp
Nadler	Sánchez, Linda	Wasserman
Napolitano	T.	Schultz
Neal (MA)	Sanchez, Loretta	Waters
Neugebauer	Sanders	Watson
Ney	Saxton	Watt
Northup	Schakowsky	Waxman
Norwood	Schiff	Weiner
Nunes	Schmidt	Weldon (FL)
Nussle	Schwartz (PA)	Weldon (PA)
Oberstar	Schwarz (MI)	Weller
Obey	Scott (GA)	Westmoreland
Oliver	Scott (VA)	Wexler
Ortiz	Sensenbrenner	Whitfield
Otter	Serrano	Wicker
Owens	Sessions	Wilson (NM)
Pallone	Shadegg	Wilson (SC)
Pascarella	Shaw	Wolf
Pastor	Shays	Woolsey
Paul	Sherman	Wu
Payne	Sherwood	Wynn
Pearce	Shimkus	Young (AK)
Pelosi	Shuster	Young (FL)
Pence	Simmons	
Peterson (MN)	Simpson	

## NOES—2

Flake	Markay
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## NOT VOTING—9

Andrews	Gutknecht	Osborne
Evans	Lewis (GA)	Oxley
Frank (MA)	Miller, George	Slaughter

□ 1438

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall votes 125, 126, and 127. Had I been represent, I would have voted “aye” for 125, 126, and 127.

## PARLIAMENTARY INQUIRIES

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LAHOOD. Mr. Speaker, when a Member of the minority party offers a motion to recommit on a bill and the Speaker asks the Member if they are opposed to the bill and the Member announces to the House that they are opposed to the bill and then votes for the bill on final passage, is that a violation of the rules?

The SPEAKER pro tempore. As Members are aware, the first element of priority in recognition for a motion to recommit is whether the Member seeking recognition is opposed to the main measure. Under the practice of the House exemplified in Cannon's Precedents, volume 8, section 2770, the Chair accepts without question an assertion by a Member of the House that he is opposed to the measure in its current form.

Mr. LAHOOD. Mr. Speaker, I have a further parliamentary inquiry.

Mr. Speaker, I just want to note for the record that one of the Members who was on the motion to recommit, the gentleman from Massachusetts, voted against the bill. The Member that offered the motion to recommit voted for the bill, and I assume that then that is a violation of the rules.

The SPEAKER pro tempore. The Chair takes a Member at his word when he says he is opposed to the bill in its current form.

The gentleman from Illinois's statement is noted.

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, if the Speaker takes the Member at their word, obviously we are dealing with either confusion or some other circumstance.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, this is the second week in a row that it is my perception that the motivations and intentions of a Member are being put in question. Now it is being put as a question of parliamentary procedure. Particularly the second speaker who spoke on this clearly implied that and meant to imply it.

First of all, I would say, Mr. Speaker, if Members' amendments were made in order, if in a democratic fashion these amendments could be on the floor, if in fact you were to subject yourself to debate and a fair vote on these issues, perhaps this issue would never come up.

Secondly, I would say, Mr. Speaker, as I said last week when another Member's actions were questioned, whether they were within the ambit of the rules

or whether they were being honest in their representations, the fact of the matter is that a Member's view of a bill does in fact change in light of the action on a previous amendment or a motion to recommit or some other action that might occur.

So, as I said to the gentleman last week, the situation substantively changes. It may be the same bill, but it is a bill that has been subjected to an alternative amendment.

Then the Member who is opposed to the bill at that time without that amendment being considered, that amendment fails, the Member is put in a different position. He or she then has to make a judgment, do I support or oppose this bill as it now is and as I have failed to perfect it with an amendment.

So I suggest to the gentleman, who has now raised it a second time in a row, and I frankly thought it had been resolved, that he is wrong in his premise, he is wrong under the rules, and I would hope that we could put this behind us.

I would certainly hope, and the gentleman who chairs the Rules Committee is on his feet, that we could allow these amendments; that we could allow, as the gentleman so often when he was in the minority asked to have done, allow these amendments to be considered in a fair and open debate and subject them to a vote. So that in a democratic body, in the People's House, they could be voted on up or down.

I suggest, Mr. Speaker, that the gentleman was fully within the rules and fully within his rights and did exactly the only thing that he was given the opportunity to do in order to raise an important issue in this democratic forum.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, it is sort of interesting that, as I have stood here earlier this week during debate, I have had my intentions questioned by Members on the other side of the aisle throughout this week. Throughout hours of debate yesterday, people were questioning my intentions as we were looking at the issue of lobbying and ethics reform.

Having said that, I think it is very important to note that when we were in the minority, about which my friend is speaking, we were often denied even an opportunity to offer a motion to recommit on legislation. Time and time again that happened. When we won the majority in 1994, we provided a guarantee that members of the minority would be able to offer a motion to recommit.

We knew full well this opportunity would come forward, and Mr. LAHOOD was simply asking of the Chair whether or not under the precedents it is appropriate for a Member to stand up, state

their opposition to a measure that is about to be voted on, and then offer a motion to recommit. Those precedents were stated.

Mr. HOYER. Mr. Speaker, reclaiming my time, the Speaker indicated it was within the rules and within the precedents. In fact, the precedents were numerous times that Republicans rose and did exactly the same thing for exactly the same reasons.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5018

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5018.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### AMENDMENT PROCESS FOR H.R. 5122, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 8 to grant a rule which could limit the amendment process for floor consideration of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. The Committee on Armed Services ordered the bill reported on Wednesday, May 3, and is expected to file its report with the House on Friday, May 5.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee up in room H-312 of the Capitol by 12 noon on Tuesday, May 9. Members should draft their amendments to the bill as ordered reported by the Committee on Armed Services, which will be available on the Web sites of both the Committees on Armed Services and Rules by Friday, May 5.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

□ 1445

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time to inquire of the majority leader the schedule for the week to come. I yield to my friend, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker, I appreciate my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour and 2 p.m. for legislative business. We will have several measures under suspension of the rules, a list of which will be sent to Members'

offices by the end of the week. Any votes on those measures on Tuesday will be rolled until 6:30 p.m.

On Wednesday and the balance of the week, the House will likely consider H.R. 5122, the National Defense Authorization Act for fiscal year 2007 from the Armed Services Committee. As Mr. DREIER just mentioned, the committee reported the bill yesterday, and I expect this to be considered on Wednesday and Thursday.

Now, there will be no votes next Friday, but Members should be aware that Thursday we could go well into the evening. And so while Friday is already scheduled for a day in session, I think we can complete our work on Thursday, and that will be our goal.

Mr. HOYER. I thank the majority leader for that information for our Members.

Mr. Leader, do you expect any energy bills on the floor next week dealing with any facet of the crisis that confronts our citizens?

Mr. BOEHNER. We expect that H.R. 5143, the hydrogen relief bill, which was reported by the Committee on Science, could be up next week. And we can expect additional energy votes in the coming weeks.

Mr. HOYER. I thank the gentleman for that information.

Let me ask you further, Mr. Leader, do you expect the telecom bill to be ready for floor consideration next week?

Mr. BOEHNER. I would have hoped it would have been up this week, but there is a jurisdictional dispute that is being sorted out; and until it is, we are unable to schedule it for floor action.

Mr. HOYER. I thank the gentleman for that information.

With respect to the budget, the fiscal year 2007 budget, we are now 3 weeks beyond the point when we should have had a conference report adopted under the rules. Yet we have not had the House version of the budget on the floor yet. Do you expect the budget to be on the floor anytime in the near future?

Mr. BOEHNER. I hope so.

Mr. HOYER. I know you hope so. But my question was, do you expect so?

Mr. BOEHNER. I hope so. We are continuing to work with our Members, some of whom want to spend more money, some of whom want to spend less money. And until we come to some resolution of those talks, I cannot give you any further information on when the budget resolution will be up.

Mr. HOYER. We hope that you can come to some agreement in the near term.

Mr. BOEHNER. I do too.

Mr. HOYER. Mr. Leader, the tax reconciliation conference and the pension conference, we have heard something about the tax reconciliation conference perhaps having reached agreement.

Can you tell me the status of those two conferences and when we might expect to consider the tax reconciliation